

FILED IN CHAMBERS  
U.S.D.C. - Newnan

JAN 26 2018

By: *James M. Hannon, Clerk*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

JOHN H. MURPHY,

Plaintiff,

v.

MILLARD C. FARMER, JR.,

Defendant.

CIVIL ACTION FILE

NUMBER 3:15-cv-92-TCB

**COURT'S INSTRUCTIONS TO THE JURY AS TO DAMAGES**

**Burden of Proof**

It is the responsibility of Plaintiff John Murphy to prove the damages he seeks to recover by a preponderance of the evidence.

**Count 3: Georgia RICO Claim**

Having found that Mr. Farmer violated the Georgia RICO Act, you must decide whether that violation caused an injury to Mr. Murphy. The damages that Mr. Murphy may recover are those actual damages, proven by a preponderance of the evidence, that are a direct result of

the predicate acts establishing Mr. Farmer's liability for violating the Georgia RICO Act.

In order to recover damages under the Georgia RICO Act, Mr. Murphy must show that a predicate act was the proximate cause of his injury. When I use the expression proximate cause, I mean a cause that, in the natural or ordinary course of events, produced Mr. Murphy's alleged injury. It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury. To find that injury to Mr. Murphy was caused by reason of Mr. Farmer's violation of Georgia RICO, you must find that the injury to Mr. Murphy was directly caused by Mr. Farmer's violation of the Georgia RICO Act.

Therefore, you must find that the commission of the acts of racketeering, or the pattern of racketeering activity, or the conduct of the affairs of the enterprise through the pattern of racketeering activity, directly resulted in the injury or played a substantial role in producing the injury.

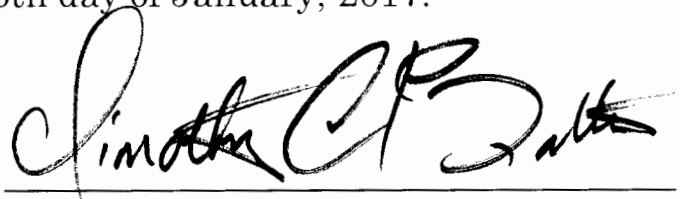
### **Duty to Deliberate**

Of course, the fact that I have given you instructions concerning the issue of Mr. Murphy's damages should not be interpreted in any way as an indication that I believe that Mr. Murphy should, or should not, be awarded damages.

Any verdict you reach in the jury room must be unanimous. In other words, to return a verdict you must all agree. Again, your only interest is to seek the truth from the evidence in the case.

A second verdict form has been prepared for your convenience.

IT IS SO ORDERED this 26th day of January, 2017.

A handwritten signature in black ink, appearing to read "Timothy C. Batten, Sr.", written over a horizontal line.

Timothy C. Batten, Sr.  
United States District Judge